



Senate

General Assembly

February Session, 2014

File No. 188

Senate Bill No. 206

Senate, March 31, 2014

The Committee on General Law reported through SEN. DOYLE of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE POWERS AND DUTIES OF THE COMMISSIONER OF CONSUMER PROTECTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-11 of the 2014 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) The Commissioner of Consumer Protection may, subject to the
5 provisions of chapter 67, employ such agents and assistants as are
6 necessary to investigate and enforce the provisions of the general
7 statutes wherein [said] the commissioner is empowered to carry out
8 the duties and responsibilities assigned to [him or his department. For
9 the purpose of inquiring into any suspected violation of] the
10 commissioner or the Department of Consumer Protection. In
11 connection with any investigation or enforcement of a suspected
12 violation of such provisions of the general statutes, the commissioner
13 or the commissioner's authorized agent may administer oaths, issue
14 subpoenas, compel testimony and order the production of books,

15 records and documents. If any person refuses to appear, to testify or to
16 produce any book, record or document when so ordered, a judge of
17 the Superior Court may make such order as may be appropriate to aid
18 in the enforcement of this section. For the purposes of investigating or
19 enforcing such provisions, the commissioner and [his] the
20 commissioner's deputy and assistants shall have free access, at all
21 reasonable hours, to all places and premises, homes and apartments of
22 private families keeping no boarders excepted.

23 (b) On the tender of the market price, the commissioner or [his] the
24 commissioner's deputy may take from any person, firm or corporation
25 samples of any article which [he] the commissioner suspects is sold,
26 offered for sale, kept with intent to sell, made or manufactured
27 contrary to any provision of this chapter or related chapters under the
28 jurisdiction of [said] the commissioner. [He] The commissioner may
29 analyze such samples or have them analyzed by a state chemist or by
30 an experiment station or by the laboratories of the Department of
31 Public Health, and a sworn or affirmed certificate by such analyst shall
32 be prima facie evidence of the ingredients and constituents of the
33 samples analyzed. If such analysis shows that any such sample does
34 not conform to the requirements of law, and gives the commissioner or
35 [his] the commissioner's deputy reasonable grounds for believing that
36 any provision of this chapter or related chapters under [his] the
37 commissioner's jurisdiction has been violated, [he] the commissioner
38 shall cause such violator to be prosecuted. Any person who refuses the
39 access provided for [herein] in this section to the commissioner, [his]
40 the commissioner's deputy or assistants, or who refuses to sell the
41 samples provided for [herein] in this section, shall be guilty of a class
42 D misdemeanor. Evidence of violation of any provision of this section
43 shall be prima facie evidence of wilful violation.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>from passage</i>	21a-11
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GL *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill results in no fiscal impact as it is procedural in nature with regard to the Department of Consumer Protection.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**SB 206*****AN ACT CONCERNING THE POWERS AND DUTIES OF THE COMMISSIONER OF CONSUMER PROTECTION.*****SUMMARY:**

This bill expands the Department of Consumer Protection commissioner's authority to administer oaths, issue subpoenas, compel testimony, and order the production of books, records, and documents, to apply to a suspected violation of any laws under his jurisdiction. The commissioner already has this authority for investigations that pertain to specific areas of law, such as the Connecticut Unfair Trade Practices Act and liquor law violations.

As under current law, if anyone refuses to appear, testify, or produce any book, record, or document when ordered, a Superior Court judge may make an appropriate order to aid in enforcement.

The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 17 Nay 0 (03/13/2014)